(608) 266-9870 Fax: (608) 282-3602 Toll-Free: (888) 534-0002 Rep.Jacque@legis.wi.gov

P.O. Box 8952 Madison, WI 53708-8952

# Testimony on AJR 46 before the Assembly Committee on Urban and Local Affairs August 30, 2011

Chairman Brooks and fellow committee members,

Thank you for holding this hearing and for the opportunity to appear before you as author of Assembly Joint Resolution 46, a proposed state constitutional amendment to prohibit the enactment of new unfunded mandates on local government. AJR 46 will prohibit either house of the legislature from passing legislation that imposes a requirement on any local governmental unit unless the bill contains an appropriation that reimburses the local governmental unit for the full cost of complying with the requirement. Modeled after 2007 AB 290, which passed a previous incarnation of the Assembly Urban and Local Affairs Committee by a broad bi-partisan 7-1 vote, this proposal is being put forward as a constitutional amendment as a result of court rulings that it would be legally unenforceable as a rule of legislative proceeding as a solely statutory change.

I am pleased to bring this legislation forward with the strong support of countless local officials, whether elected or not. With rising costs and considerable pressure at all levels of government to deliver services more efficiently, it is important to safeguard local government from being "passed the buck" without actually being passed the bucks to go with new responsibilities. These unfunded mandates have accumulated over time and add elements of complexity and inflexibility to government operations that stifle local control. At the very least, local governments should not be expected to implement laws and regulations without the funding necessary to do so.

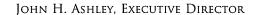
As a legislature we have been given broad discretion in the policy arena, often going above and beyond the minimum expectations of government, and not infrequently for justifiable reasons and based on demand for services. Local governments have much the same discretionary ability. But it is easy to ask for more from other units of government when you know that you're not the ones paying for it; to place new burdens on local taxpayers without directly levying the taxes to pay for them. If we mandate it, then we should fund it. If we can't afford to, we shouldn't expect local government to cut the check. Our constituents understand that this is not a partisan issue; it's about common sense and truth in budgeting, and I fully expect them to approve this amendment by a wide margin, should we give them the opportunity to do so.

Making these changes to our state constitution will require a different mindset legislatively. One of the other bills before us today presents an excellent demonstration. Act 285 of last session requires municipalities to pay health care premiums under certain conditions for the surviving spouse or dependent children of a fire fighter who dies in the line of duty. Senate Bill 18 would apply the same benefit to dependents of police officers killed in the line of duty, but reimburses local governments for those expenses.

Brown County Executive Troy Streckenbach recently told me about an element to the Working Lands Initiative passed in the 2009-2011 biennial budget which imposed a new mandate on county government costing in excess of \$150,000 per year. Expanding prevailing wage applicability to local government has also proven to be particularly onerous. I am cognizant, of course, that not all unfunded mandates affecting local governments are necessarily state mandates, and are frequently handed down from the federal level; we need to look at ways to restore state sovereignty as appropriate as well.

A constitutional amendment to prevent unfunded mandates would prove to be strong, lasting protection for taxpayers, which I believe would work especially well with legislation Sen. Darling and I will be introducing shortly to establish a Joint Survey Committee on State Mandates, a bill which has passed the legislature previously but was vetoed by former Governor Doyle.

Thank you for your consideration, and I welcome your questions and ideas.





122 W. Washington Avenue, Madison, WI 53703 Phone: 608-257-2622 • Toll Free: 877-705-4422 Fax: 608-257-8386 • Web Site: www.wasb.org

TO:

Members, Assembly Committee on Urban and Local Affairs

FROM:

Dan Rossmiller, Government Relations Director

DATE:

August 30, 2011

RE:

Assembly Joint Resolution 46, relating to funding in bills placing requirements

on local units of government.

The Wisconsin Association of School Boards supports Assembly Joint Resolution 46.

Assembly Joint Resolution 46 is a constitutional amendment proposed to the 2011 legislature on first consideration that, if adopted and ratified, would prohibit the legislature from passing any bill that places a requirement on a local governmental unit unless the bill contains an appropriation that reimburses the local governmental unit for the full cost of complying with the requirement. Assembly Joint Resolution 46 would not prohibit the governor from vetoing an appropriation contained in a bill that creates such a requirement.

The members of the Wisconsin Association of School Boards, represented by delegates to the annual WASB Delegate Assembly have clearly stated their opposition to unfunded mandates through the adoption of the following resolution:

"The WASB opposes the implementation of any legislative mandates or administrative rules applicable to public school districts affecting the delivery, content or conduct of education, programming or support services unless they come with a legislative commitment by the state or federal government to permanently fund 100 percent of the actual cost or can be implemented at no cost. School districts should receive state or federal funding to comply with all mandates or rules that require additional training or staffing."

Support for this resolution was reiterated at the 2011 Delegate Assembly held in Milwaukee on January 19, 2011.

The WASB supports Assembly Joint Resolution 46.



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www.wicounties.org

#### **MEMORANDUM**

TO:

Honorable Members of the Assembly Committee on Urban and Local Affairs

FROM:

John Reinemann, WCA Legislative Director

DATE:

August 30, 2011

RE:

Information on AJR 46 – Unfunded Mandates

Assembly Joint Resolution 46 proposes an amendment to the Wisconsin Constitution, which would prohibit the legislature from passing any bill that places a requirement on a local governmental unit unless the bill contains an appropriation that reimburses the local governmental unit for the full cost of complying with the requirement.

The Wisconsin Counties Association (WCA) supports AJR 46. The proposal is in keeping with one of the largest and most long-running concerns facing county government in Wisconsin: the issue of unfunded and underfunded state mandates.

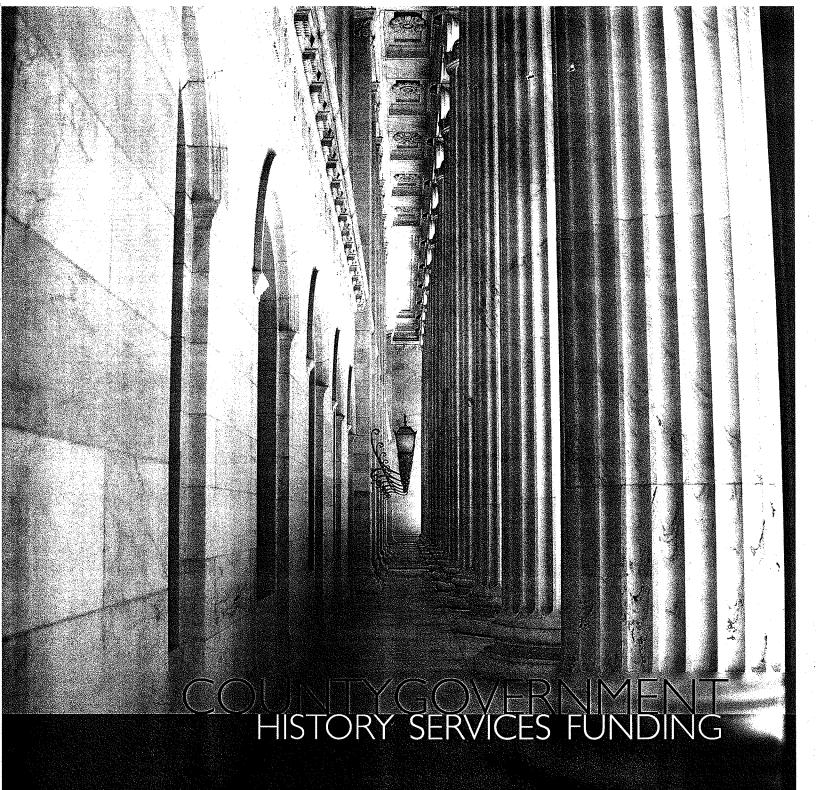
Wisconsin's counties perform essential services that state government has mandated, on behalf of the state or at the direction of the state. In turn, the state provides revenue sharing to counties in support of the counties' work, and additionally allows counties to levy property taxes and collect sales taxes towards their budgets.

However, for many years, state support of counties has not kept pace with state demands on counties. Aid is reduced, payments prescribed in law are prorated, and programs are added with no additional funding. Costs of providing services, meanwhile, continue to rise because the price of labor, energy, insurance, and supplies all continue to increase. Limits on property tax collections

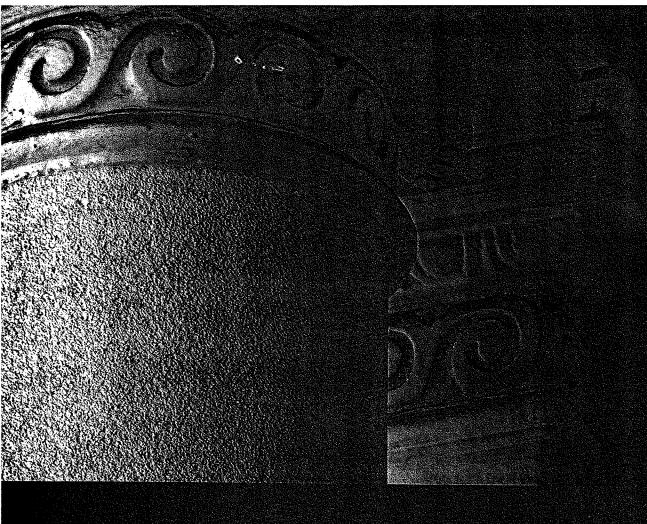
The attached document, "County Government / History, Services, Funding" is being provided to help explain the mandates challenge facing county government.

- Beginning on page 5 is a list of the many services offered by county government, most of which are offered as a result of state requirements that counties do so.
- Beginning on page 11 is a very simple overview of the funding of county government and its programs. Please note the changes in the balance of state funding versus county levy funding, and the trends of these revenue sources.

Please contact WCA if you have questions or desire additional information.



WISCONSIN COUNTIES ASSOCIATION # 2010



### **INTRODUCTION**

he Wisconsin Counties Association (WCA) is once again pleased to provide you with this publication outlining the history of, services provided by, and funding sources for county government. This document was initially prepared for use by the county representatives that served on the Governor's Blue-Ribbon Commission on State-Local Partnerships for the 21st Century to educate other commission members on the vital role county governments play in the provision of services across Wisconsin.

County governments play a multi-faceted role in the state-local relationship. That role has been recreated throughout time by the influence of our founding fathers, the court system, and in modern times, by our state Legislature. The role of counties continues to evolve and will continue to change as the state-local partnership is re-examined.

Due to the popularity of this publication, WCA has updated the information and is reprinting it for use by county officials across the state. We hope this document will prove useful to our newly-elected county officials in Wisconsin and all citizens of this state who benefit from the services provided by Wisconsin's 72 counties.

### HISTORY

### A HISTORICAL TIMELINE OF COUNTY GOVERNMENT

- 1783 Treaty of Paris transfers control of area to U.S.
- 1787 Northwest Ordinance approved. This provides for the creation of five states in the Northwest Territory (Ohio, Indiana, Illinois, Michigan and Wisconsin).
- 1800 Ohio becomes a state. Wisconsin is attached to the Indiana Territory (part of St. Clair County).
- 1805 Michigan Territory is separated from the Indiana Territory.
- 1809 Indiana becomes a state. Wisconsin is attached to the Illinois Territory.
- Illinois becomes a state. Wisconsin loses 60 miles of southern border (including the Chicago area). Wisconsin is attached to the Michigan Territory. Due to the distance between Wisconsin and Detroit, the territorial capital, three counties are organized in Wisconsin: Brown County in the east, Crawford County in the west and Michilimackinac County in the north (included the U.P.). These counties perform administrative functions for the territorial government.
- 1823 Counties are made Judicial Districts by Congress and the first court proceeding is held in Brown County in 1824.
- The population increases in Southwest Wisconsin due to the growth in lead mining. The increased population leads to the creation of a fourth county—lowa County.
- 1834 Westward migration of Yankees (natives or inhabitants of New England) through the Erie Canal leads to population growth along Lake Michigan. Milwaukee County becomes the fifth county.
- The Wisconsin Territory is created. The area includes the region that is now the states of Wisconsin, lowa and Minnesota and parts of the Dakotas. Fifteen new counties are created within the territory: Calumet, Dane, Dodge, Fond du Lac, Grant, Green, Jefferson, Manitowoc, Marquette, Portage, Racine, Rock, Sheboygan, Walworth and Washington. From April 20, 1836, the date the Wisconsin Territory was created, through 1901, the number of counties grew from 6 to 71.
- 1961 The reservation of the Menominee Indians of Wisconsin, located in Oconto and Shawano Counties, becomes Wisconsin's 72nd county– Menominee County.

# GOVERNMENT FUNCTIONS PERFORMED BY COUNTIES BEFORE STATEHOOD (1848)

Counties performed administrative services for the territorial government including the provision of sheriffs, judges, assessors, tax collectors and court clerks.

### WISCONSIN'S STATEHOOD EFFORTS

- 1840 The first attempt at statehood fails by popular vote (92 yes, 499 no).
- 1842 The second attempt at statehood fails by popular vote (619 yes, 1821 no).
- The third attempt at statehood is defeated in territorial council.
- 1845 The fourth attempt at statehood is defeated in the House of Representatives.
- 1846 A bill is passed by Congress to
  "enable people of Wisconsin to form
  a constitution and state government,
  and for the admission of such state
  into the Union." The bill is signed by
  President Polk on August 10. Popular
  vote for statehood passes (12,334 yes,
  2,387 no). Based on this "enabling act,"
  the people of the territory called a
  constitutional convention in Madison to
  draft a fundamental law for governing
  the state.
- 1847 The first proposal for a constitution is submitted to the people on April 6. The voters reject it on a 14,119 to 20,231 vote.
- 1848 A second convention submits its draft on March 13 and is ratified by a vote of 16,799 to 6,384. Wisconsin becomes the 30th state in the Union on May 29.

### THE CONSTITUTIONAL DEBATE AFFECTING COUNTIES

Type of County Government (Size & Function)
The New York Constitution (supervisor) and
Pennsylvania Constitution (commissioner) systems of
county government both existed in the Wisconsin
Territory. The debate between these forms of county
government continued until 1870.

- Pennsylvania Constitution: Commissioner form of county government—calls for a small board elected from precincts to represent the interests of the county at-large. The county serves as the provider of local government services.
- New York Constitution: Supervisor form of county government—the board of supervisors specifically represents towns and incorporated places. Further, the county provides state administrative services while towns and municipalities serve as the provider of local government services.

### WISCONSIN'S CONSTITUTIONAL SOLUTION

Type of County Government

The framers of the Wisconsin Constitution require the Legislature to "establish but one system of to and county government, which shall be as nearly uniform as practicable" (Article IV, Section 23). The meaning of this 'uniformity' requirement was not settled until 1870. After a series of court decisions the supervisor system prevailed. While the court not expect all counties to be exactly the same, the court expected "practical uniformity void of needle diversity."

In 1885, the Legislature determined that it was impractical to treat Milwaukee County the same as all other counties. Their action allowed Milwaukee County to elect supervisors from Assembly distrig (a practice maintained until 1980). Almost 75 years later, the Legislature established a third category of counties, "counties having one town," to deal with Menominee County. Menominee was to use the town board plus one at-large delegate to serve as the county board. In 1972, a constitutional amendment deleted the uniformity requirement for counties.

#### **COMPARISON OF OPTIONS**

Торіс	<b>Executive</b> Sec. 59.17, Wis. Stats.	Administrator Sec. 59.18, Wis. Stats.	Administrative Coordinator Sec. 59.19, Wis. Stats.
How Created	Board resolution, petition and/or referendum	Board resolution, petition and/or referendum	Board resolution or ordinance
How Chosen	Spring election every four years (nonpartisan)	Appointed by majority vote of board	Appointed by majority vote of board
Qualifications	U.S. citizen, 18 years of age, county resident	Training, experience, education	Elected or appointed county official.  Other qualifications set by board.
Source of Powers	State statutes	State statutes	Limited state statutes & resolution/ordinand
Removal	By Governor for cause	By board majority	By board majority
<b>Budget Authority</b>	Prepares & presents to board	Prepares & presents to board	Only as authorized by board
Veto Board Actions	Yes	No	No
Dept. Heads	Appoints (subject to board confirmation). Removes at pleasure.	Appoints (subject to board confirmation). Removes at pleasure.	No authority unless granted by board
Advisory Committees/ Administrative Boards	Appoints & removes (subject to board confirmation unless waived or made under civil service)	Appoints & removes (subject to board confirmation unless waived or made under civil service)	No authority unless granted by board
Coordinate Depts.	Yes	Yes	Only management functions not assigned departments by ordinance or law

#### Provision of Services

When Wisconsin became a state in 1848, the new state constitution contained several specific provisions for county government.

Article IV, Section 22: "The Legislature may confer upon the boards of supervisors of the several counties of the state such powers of a local, legislative and administrative character as they shall from time to time prescribe."

Article VI, Section 4 identifies county officers, as well as the conditions of their election, removal and terms of office. The constitutionally specified officers are sheriffs, coroners, registers of deeds, district attorneys, judges and clerks of circuit court. Additionally, county treasurers and county clerks were included in 2005 when terms of office for costitutional officers were changed from 2 to 4 years.

Counties are viewed as agents of the state because they are required to carry out or enforce certain state laws. For example, county sheriffs apprehend violators of state laws, county clerks manage state elections, and registers of deeds keep certain state records (birth and death certificates, manage licenses and property deeds).

#### RECENT DEVELOPMENTS

#### 1970s

Counties are given narrow power to control several elements of county board functioning. This is commonly referred to as "self-organizing."

Counties are permitted to pass ordinances declaring themselves self-organized for the purpose of setting board offices and compensation, establishing staggered supervisory terms and filling vacancies in supervisory districts.

#### 1980s

Counties are granted "administrative home rule," giving them greater control over organizing their administrative departments.

The Legislature granted counties authority to address and fund local issues in metropolitan areas without specific state enabling laws (Wis. Stats. 59.03(2)). This home rule authority has allowed county government to expand gradually as a regional government in areas such as recycling, water quality management, transportation planning and zoning review, but only in cases where a municipality or group of municipalities have requested the county do so on their behalf through voluntary agreements.

#### Today

Counties do not have constitutional home rule authority as cities and villages do. This means that while cities and villages can basically undertake anything that is not expressly prohibited by state statute or the constitution, counties can only undertake a function that is expressly allowed for or mandated by state statute or the constitution. Counties' main function continues to be to act as the administrative arm of state government.

### EXECUTIVE & ADMINISTRATIVE OPTIONS

Prior to 1960, Wisconsin county boards functioned as both the legislative branch and the executive branch. However, as county government became more complex and the population became more urbanized, the statutes were amended to permit the creation of a separate, elected position of county executive to administer and monitor county departments and exercise other specified powers.

This position was first mandated for Milwaukee County in 1960. In 1969, the authority to create an executive position was extended to all counties, regardless of size (Wis. Stats. 59.17). County executives are elected in the general nonpartisan election on the first Tuesday in April and serve four-year terms.

In the 1985-87 State Biennial Budget, language was inserted to recognize the position of appointed county administrator. The county administrator is responsible for the annual budget, oversees county department heads and reports to the county board (Wis. Stats. 59.18). Wisconsin currently has 11 elected county executives and 24 appointed administrators.

This legislation also created *Wis. Stats.* 59.19, which requires all counties that do not choose to create either an administrator or an executive position to designate an administrative coordinator. The administrative coordinator is "responsible for coordinating all administrative and management functions of the county government not otherwise vested by law in boards or commissions, or in elected officers." In addition, the administrative coordinator is the contact person for official correspondence between the county and departments or agencies of the state of Wisconsin.

### <u>SERVICES</u>

#### <u>COUNTY CLERK</u>

Election Administration
Filing Officer — county candidates
Publish election notices
Layout/printing/delivery of ballots & supplies to municipal clerks
Election equipment programming
Statewide voter registration system
Election night — election results/reporting
Canvass Board — state & county offices, conduct
state & county recounts
Election training for municipal clerks & school districts

Services to the County Board
Recording secretary
Prepare and publish agendas and minutes
Committee meeting minutes
Certification of county board actions
Publish official proceedings
Open meeting law compliance
Maintain records
Compile/publish/maintain current county directory
Sign contracts, deeds and agreements as approved
by county board

Marriage licenses and docket
Domestic partnerships and docket
Domestic partnerships terminations and docket
Distribution of state dog license to municipal
treasurers – administer dog license fee accounts
Passport agent
DNR issuing agent
Hayrack and sleigh ride permits
Pawnbroker and secondhand dealer licenses
Burning permits
DMV issuing agent – temporary vehicle license
plates/registration renewals

<u>Financial Functions</u> Budgets

Work permits

<u>Licenses & Permits</u>

Tax apportionment Borrowing
General accounting

Central purchasing

Purchasing liability, property and other insurances Insurance maintenance Bonding GASB reporting Asset inventory

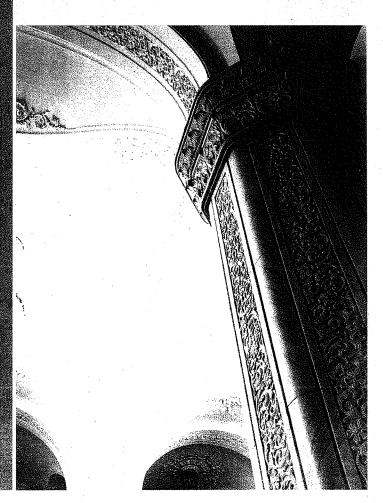
Asset inventory Sale of tax deed property

Other Statutory Duties

Zoning issues
Farmland preservation
Library funding
Wood cutting notices
Probate claim notices
Highway department records
NTC appointment board recording secretary
Keeper of all contracts, leases and agreements
Filing agent for all claims against county

#### **COUNTY TREASURER**

Receipt and deposit of all money Reconcile bank accounts Imprint signatures and mail disbursements Certify and maintain lottery credit file for both real and personal property Administer the ag-use conversion fee Invest excess funds/investment programs Process personal property chargebacks Maintain at least 15 years of all tax information Property tax collection Maintain record of all paid and delinquent taxes Prepare and mail delinquent tax notices Tax deeds or assist county clerk with the same Issue tax certificates Treasurer for drainage districts Report and publish unclaimed funds Report and pay to DNR managed forest land and private forest crop settlement Print tax sale book Prepare and file sales and use tax reports Prepare and/or assist municipal staff with January and February tax settlements Provide settlement information to the state by March 15 Forward fines and forfeitures, court fees, real estate transfer fees and WLIP recording fees to the appropriate state department Prepare and distribute August settlement for all taxing jurisdictions Distribute national forest income to municipalities



### **HEALTH & HUMAN SERVICES**

#### Human Services

<u>Juvenile</u> Justice

Intake Assessment

Court-ordered supervision

Case management

Foster care Group care

Residential treatment

Restitution

Public service

Juvenile detention

#### Child Protective Services

Intake

Investigation

Court-ordered supervision

Case management

Foster care

Termination of parental rights

Pre-adoption planning

Shelter care

#### Mental/Behavioral Health

Outpatient counseling

Emergency detentions

Court commitment

Case management

Community-based Residential Facilities

(CBRF) placement

Intoxicated driver program

Community support program

Comprehensive community services Detoxification

State institutional placements

Alcohol & Other Drug Abuse (AODA) assessment funding and counseling

AODA primary prevention services

#### Adult and Disability Services

Intake and assessment

Guardianships

Case management

Personal care

Home care

Adult family home

Community-Based Residential Facilities

Day services

Court-ordered protective services

Vulnerable adult services

Elderly and disabled transportation

Aging and Disability Resource Centers

#### Economic Support

Food Share

Medical Assistance

General Relief

Energy assistance

Wisconsin Works

MA transportation

Burials

Child care

#### Children with Disabilities

Birth to Three

Family Support

Children's Long Term Support

#### Public Health

Childhood and/or adalts mensinizations

Childhood and/or adult immunizations
Communicable disease follow up.
Women Infants and Children (WIC), netrition services.
Well-child and well-baby programs
Prenatal care coordination
Tobacco education and ce saying diseas.
Community assessment and health improvement plannin Health education

Health education:

Bioterrorism planning and Response efforts .

Restaurant and hotel inspections (flood and recreational)

licensing program, retail ag programs

Lead poisoning screening and education

Lead poisoning ser-Public health nursing Sanitanans — human health hazards Public health policy development and enforcement

injury prevention programs
Chronic disease prevention

School nursing Reproductive health

Health education

#### Child Suppose

Child Support
Establishment of patemity
Establishment and enforcement of course ordered child support and medical support obligations.
Establishment and enforcement of support order wild children are placed out of the home.

### **CULTURE, RECREATION, EDUCATION, HOUSING**

#### Cooperative Extension

(a division of UW-Extension)

Teach, learn, lead and serve government Engage in transforming lives and communities by connecting people with the University of Wisconsin

Work with local, state and federal partners to offer educational programs that address the important issues of individuals, families and communities

Educational programs include the following topics:

- 4-H, youth development, youth skills, youth leadership
- Agriculture, natural resources, agribusiness and horticulture
- Community, economic development, natural resources
- Family, nutrition education, finances, parenting

#### County Libraries

Encourage citizens to be knowledgeable about and actively involved in all levels of their government

Assist citizens in obtaining information in various formats on various topics

Inform citizens of all aspects of issues relating to social, political and economic concerns

Provide community centers to support discussion among citizens

Support the development of general library services for all ages

Support life-long learning for all county residents

#### Other Services

Arts, beaches, campgrounds, economic development, regional planning commissions, fairs and exhibits, golf courses, historical societies, museums, parks, public housing, recreation facilities, recreational trails, two-year UW-system, appoint members to Wisconsin Technical College District Boards, zoos

#### **CIRCUIT COURTS**

#### Clerk of Circuit Court

Collection of fees, fines and forfeitures

Court administration

Custodian of court records—civil, family, criminal and miscellaneous

Jury management

Court finances

#### District Attorney

Collect and prosecute worthless check cases Prosecute all criminal cases— misdemeanors and felonies

Prosecute all DNR cases

Prosecute juvenile delinquency cases and children in need of protection and services (CHIPS) cases

Prosecute termination of parental rights cases

Prosecute traffic cases from county sheriff's department and Wisconsin state patrol

Provide crime victim and witness services

Represent the county in the prosecution of county ordinance violations

Payment of witness fees, including expert witness fees

#### Register in Probate

Custodians of the record Court finances Court administration

Collection of fees

#### Circuit Court Commissioner

Handle probate, guardianship and mental commitment proceedings

Hear small claims trials

Conduct initial appearances and set bail on traffic and ordinance civil cases, misdemeanors and felonies

Conduct preliminary hearings in felony matters to determine whether the case shall proceed Handle juvenile hearings that are not open to the public

#### Family Court Commissioner

Grant divorces to parties who have appropriate written agreements.

Conduct court hearings and render decisions on issues in family court cases (except a final, contested divorce trial, which must be held before a judge), including:

- · Paternity, custody and placement of children
- Support for children, including responsibility for health insurance, medical expenses and other related financial issues
- Assignment of tax dependency exemptions between the parents
- Use of and division of property
- Responsibility for payment of debts
- Maintenance (alimony)

Administrative responsibilities to ensure efficient yet fair administration of justice.

#### Other services

Court reporters

Courtroom security

Guardians ad litem

Indigent counsel

Judicial assistants

Law clerks

Law library

Mediation

#### LAND SERVICES

Land Conservation

Provide cost-sharing, technical and planning programs

Distribute and allocate funds for conservation activities

Actively solicit public participation in planning and evaluation of soil and water conservation programs

Adopt and administer soil and water conservation standards

Nutrient management planning Agriculture runoff control

Groundwater, lakefront and river protection

Urban storm water runoff management Forestry projects

Invasive species awareness and control

Prepare work plans

Working lands support

Household hazardous waste programs Implementation of shore land preservation programs

Large livestock siting

Non-metallic mining reclamation

Pollution prevention programs

Preservation of open space

Soil and water resource management

Tree planter maintenance

Watershed programs

Wildlife damage claim and abatement program

Wildlife habitat preservation

Land Information, Planning, Zoning

Boards of Adjustment

General zoning, shore land zoning and

floodplain zoning

Global positioning systems

Land division and subdivision review and approval

Land-use planning

Land-use planning

Large livestock siting

Mapping

Non-metallic mining reclamation

Private sewage system monitoring

Remonumentation

Wisconsin Land Information Program

Comprehensive planning

Telecommunication tower siting

Airport zoning

Economic development

Demographics/statistical management

Site plan review

Stormwater management planning &

zoning

Erosion control

Addressing

Recreation planning

Transportation planning

Energy/Sustainability planning

Sanitation/Solid Waste/Recycling

Animal wastewater control

Compost

Collection services, transporting and

solid waste disposal

Electronics recycling programs

Household hazardous waste including pharmaceuticals via clean sweep

program

Long-term care/closure of landfills

Operate a port authority

Operate an incinerator program to reduce waste

Own and operate county landfills & construction of landfills

Own county landfills and contract out for service

Private sewage system monitoring Provide collection services

Provide a yard waste composting

collection site

Serve as the responsible unit for recycling programs and services, or contract out a portion of these responsibilities

Tank cleanup/removal

Surveyo

Remonumentation of section corners

Maintenance of section corners

File surveys and maintain survey records

GPS surveys

Subdivision plat review

Certified survey map review

Conduct surveys for other county

departments

Forestry

Coordinate county ATV trail program

Coordinate county snowmobile

progran

Conduct sales of county tax-delinquent

Develop and maintain county park,

wayside and beach facilities Develop and maintain county

campground facilities

Develop and maintain cross-country ski trails

Establishment of forest compartments and stands

Forest lands reconnaissance

Implement forest certification standards
Invasive species monitoring and control
Maintain lake and river accesses throughout
the county

Oversee and coordinate maintenance and development of horse trails

Oversee and coordinate maintenance and development of mountain bike trails

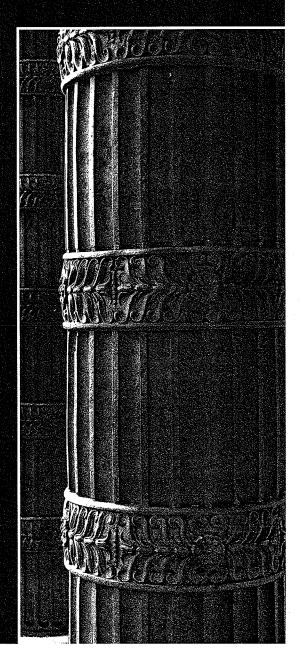
Promote soil and water stewardship by following Best Management Practices (BMPs) for water quality

Provide nature and hiking trails

Recreation of all types

Timber sale establishment, administration and bid process

Tree planting on county forest lands Wildlife habitat development and maintenance on county forest lands Work with Ice Age Trail Foundation



#### **REGISTER OF DEEDS**

Record, index, archive and maintain:

- all instruments authorized by law, collect statutory fees and submit a portion to the state for the Land Information Program
- certified survey maps, subdivision plats, condominium plats, county plats and transportation project plats as required by Wisconsin State Statutes
- federal tax liens
- military discharge papers and issue certified copies as requested by the veteran or veteran service
- vital records (birth, marriage, death, and domestic partnership), issue certified copies, collect statutory fees and submit portions to the Children's Trust Fund, state and Department of Administration

Issue copies of recorded records upon demand and collect required fee Submit the state's portion of the real estate transfer fee to the Department of Revenue

#### **PUBLIC SAFETY SERVICES**

Coordinate accident reduction project

Dive rescue

Dog handlers

Drug and crime prevention

Holding of state prisoners

Prisoner law library

School liaison officers

Tactical teams

Transport of adult prisoners

Transport of juvenile prisoners

Water patrol

Keep and preserve the peace

Conduct criminal investigations

Provide traffic enforcement

Respond to citizen calls for service,

emergency and non-emergency

Maintain and operate the county jail

Attend upon the circuit courts

Serve and execute all processes,

writs, subpoenas and orders from the courts issued or made by lawful

authority and delivered to the sheriff

Public Safety Answering Points

Answer 911 calls

Answer non-emergency calls

Provide pre-arrival instruction

Record phone and radio conversations

Dispatch appropriate services (police, fire, EMS)

Operate state TIME system for police Operate Computer Aided Dispatch (CAD) system

Work with GIS information

Use electronic investigation to assist

Maintain and verify warrant stolen property and missing persons records

Provide public education

Emergency Management

Administer state and federal grants (EMPG, EPCRA, Homeland Security

Grants, etc.)

Prepare and administer the department's budget

Develop plans for emergency operation/response and for facilities

with extremely hazardous substances Develop public education programs on emergency preparedness

Develop training programs for emergency response personnel

Develop tabletop, functional and full-scale exercises to test the response capabilities of local

responders

Maintain emergency communications systems (i.e., outdoor warning sirens)

Keep an inventory of public and private resources that would be available

during a disaster

Provide mitigation preparedness, response and recovery activities for the county and its municipalities

Establish, maintain and operate the county's Emergency Operations Center (EOC)

Coroner/Medical Examiner

Complete reports of inquests and investigations

Initiate an investigation if foul play is suspected and contact the appropriate agencies

Interact with next of kin of deceased, including notification of death and follow-up information with law enforcement personnel, attorneys and physicians

Interview witnesses

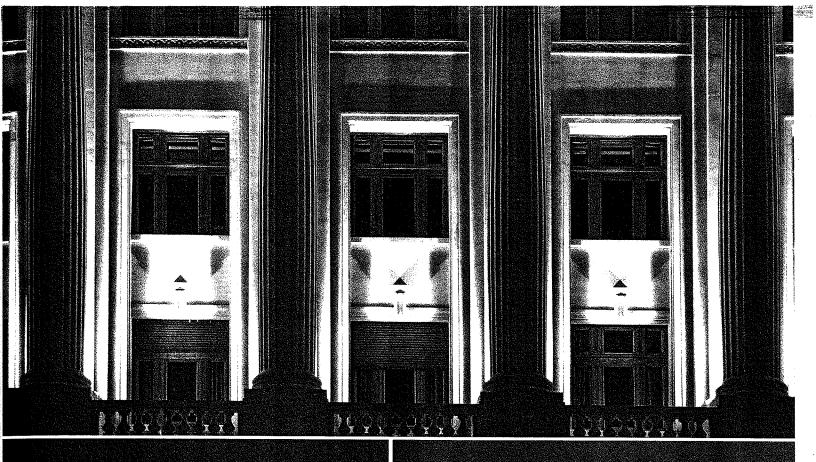
Obtain lab samples for testing or

screening by a laboratory Order medicolegal autopsies

Record facts and conclusions concerning a death and testify regarding such information if

requested

Sign death certificates, cremation permits and any other necessary paperwork



#### TRANSPORTATION

Airport operation and maintenance Assistance to rail and harbor infrastructure Assistance to docks and harbors operations Transportation services for elderly and disabled Mass transit operations and maintenance Maintain and repair of all State and Interstate roads through contract with WisDOT Maintain and repair park and ride lots Maintain several waysides of the state trunk highway

system Highway and street maintenance for all county roads and several local roads by contract

Own and maintain bike trails

Patching, crack filling and seal coating of pavement surfaces

Maintenance, repair and construction of parking facilities Pavement resurfacing and marking

Road construction, re-construction, and rehabilitation

Planning and engineering

Plowing, de-icing, shoveling and hauling snow Installation and removal of snow fence, application of salt and sand

Bridge and culvert installation/maintenance Guard rail installation and repair Litter and trash pick-up

Shoulder maintenance Vegetation control

Street lighting

Signing

Traffic control

#### VETERANS SERVICES

Advise persons living in the service officer's county who served in the U.S. armed forces regarding any benefits to which they may be entitled, and assist in any complaint or problem arising out of such service and render to veterans and their dependents all possible assistance

Cooperate with federal and state agencies that serve or grant aids and benefits to former military personnel and their dependents

Furnish information about veteran's burial places within the county

Disability compensation and/or pension benefits through Veterans Affairs (VA)

Apply for G.I. Bill education benefits for veterans Vocational rehabilitation for disabled veterans

Assist with federal and state home loans, personal loans and home improvement loans

Provide burial benefits (i.e. cemeteries, markers, burial flags, funeral honors, etc.)

Provide dependent and survivor benefits (i.e. healthcare, education, pensions, etc.)

Enrollment of veterans into VA medical system

Register discharge papers/DD-214's with county

Transportation to and from medical care

Help determine eligibility and complete paperwork for veteran's homes and long-term care

Provide and/or refer veterans to appropriate federal, state and non-governmental emergency financial aid

Assist homeless veterans

Assist with applications for Wisconsin Department of Veterans Affairs (WDVA) benefits

### FUNDING

#### COUNTY AND MUNICIPAL AID-SHARED REVENUE

In general, shared revenue is unrestricted aid paid to counties and municipalities by the state. Shared revenue funding can be utilized for any activity approved by the local governing body.

Wisconsin's practice of sharing state taxes with local governments dates back to 1911 when a share of the new state income tax was earmarked for local governments to compensate them for property tax exemptions that were enacted at the same time. Through a number of law changes in the early 1970s, the shared revenue program evolved.

Prior to 2004, unrestricted aids were paid to local governmental units under the shared revenue program. In 2004, the county and municipal aid program was created.

Payments under the program are made on the fourth Monday in July (15%) and the third Monday in November (85%). Prior to 2004, the shared revenue program consisted of four components: utility aid, aidable revenues, per capita and minimum/maximum. Currently, payments to each county and municipality are set at the same amounts received in 2004 adjusted for cuts included in the 2009-2011 state biennial budget. Only the utility aid component remains operational. Utility aid payments compensate local governments for costs incurred in providing services to public utilities.

#### Shared Revenue, County & Municipal Aid Payments 1999-2009 (in millions)

Year	County Payment	Percent Change
1999	\$189.1	
2000	\$189.7	0.3%
2001	\$189.7	0.0%
2002	\$191.6	1.0%
2003	\$193.5	1.0%
2004	\$174.3	-9.9%
2005	\$174.4	0.1%
2006	\$176.9	1.4%
2007	\$177.3	0.2%
2008	\$175.5	0.1%
2009	\$185.2 (estimated)*	4.3%
1999-2009		-2.1%

Increases due to the utility aid component of the program.
Source: Legislative Fiscal Bureau

#### **TAXES**

When state and federal sources of funding are inadequate to pay for services provided by counties, local taxpayers must make up the difference. The two principal sources of local revenue for county operations are property taxes and sales taxes.

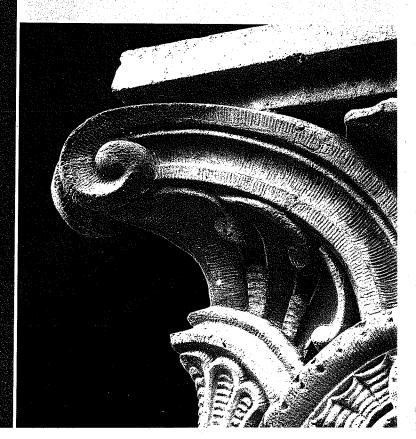
Property taxes account for the bulk of local revenues for county operations and are the second-biggest source of funding for county government, after state and local aids. State law also allows counties to enact a 0.5% sales tax. As of April 2010, 62 counties had enacted the local sales tax. In many instances, the sales tax was enacted to offset additional increases in property taxes or reductions in state aid.

State law limits how much counties may increase their property taxes through two separate and distinct restrictions.

Since 2005, the state has limited the total amount counties can raise, or levy, through levy limits. Currently, the levy limits allow counties to increase total property tax collections by either 3% or the percentage increase in the local property tax base attributable to new construction, whichever is larger.

Since 1994, counties have also had to operate under tax rate limits, which prohibit counties from increasing their property tax (or mill) rate higher than what it was in 1992.

Counties may exceed either the levy limits or the tax rate limits if voters approve a referendum.



#### **FUNDING HEALTH & HUMAN SERVICES**

Community Aids and Children and Family Aids are the major state funding sources counties utilize to help fund their human services responsibilities.

### Eligible Community Aids and Children and Family Aids Services

Child care

Supportive home care services

Specialized transportation and escort services Community living/support services

. Adult day care

- Respite care
- Housing/energy assistance
- Daily living skills training
- Interpreter services and adaptive equipment
- Family support
- Congregate meals
- Home-delivered meals
- Family planning
- Protective payment/guardianship
- . Case management

Investigations and assessments

- Court intake and studies
- Intake assessment

Community support

Work-related and day services

- Nonmedical day care services

Supported employment services Community residential services

- Adoptions
- Adult family home care
- . Foster home care
- Group home care
- Shelter care
- Detoxification- social setting
- . Community-based residential facility care

Community treatment services

- Juvenile probation and supervision
- Juvenile reintegration and aftercare
- Restitution
- Crisis intervention
- Counseling/therapeutic resources
- Medical day treatment

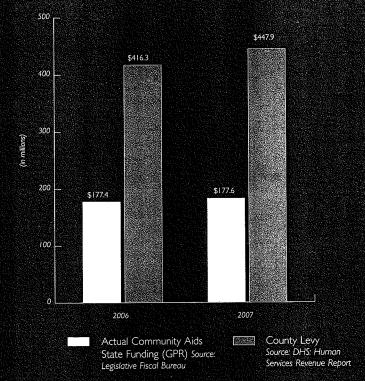
Inpatient and institutional care

- Juvenile correctional institution services
- Detoxification- hospital setting
- Inpatient
- Child caring institution services
- . DD center/nursing home

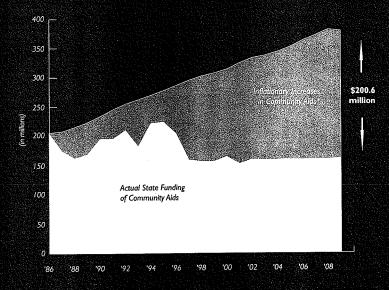
Institution for Mental Disease (IMD) services Community prevention, access and outreach

- Recreation/alternative activities
- Community prevention, organization and awareness
- Outreach
- Information and referral
- . Advocacy and defense resources
- Health screening and accessibility

## Community Aids and Children & Family Aids State (GPR) Funding & County Levy



## Community Aids and Children & Family Aids 1986-2009



This chart depicts what community aids funding would look like if there was an inflationary increase each year. The bottom or taupe portion of the chart shows actual state funding of community and children and family aids, while the top or orange section shows community aids increased by inflation from 1986 to 2009. If community and children and family aids funding had kept pace with inflation, there would have been \$200.6 million more available funding for the program in 2009.

\* The funding levels were adjusted for inflation using the Consumer Price Index for the Midwest urban area.

Source: Legislative Fiscal Bureau

### FUNDING THE STATE COURT SYSTEM

The Wisconsin court system was established when Wisconsin became a state in 1848 by Article VII of the Wisconsin Constitution.

The state was divided into five judicial districts, with five judges who were required to meet once a year in Madison as a Supreme Court.

In 1903, the Supreme Court was expanded to seven members and the Constitution was amended to require separate "probate courts" and allowed the Legislature to establish inferior courts.

In 1962, the court system was reorganized into a two-tiered system with circuit courts and county courts. There were 26 judicial circuits and county courts had at least one judge in each county.

In 1977, the Constitution was amended to eliminate the requirement of one probate court in each county and the Legislature passed the "Court Reorganization Act." The "Court Reorganization Act." merged circuit and county courts into one trial court system.

As a result of the reorganization, the 26 circuit courts were expanded to the current 69, and existing circuit and county judges became judges in the circuit in which their chambers were located.

All matters pending before the county court were transferred to the circuit court.

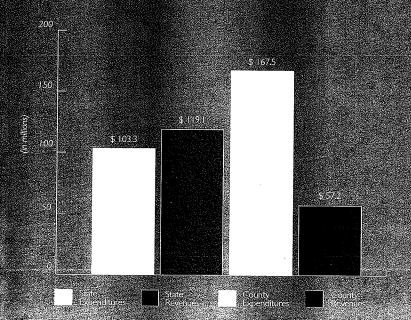
The act also phased out four existing judgeships and phased in 13 additional judgeships for a total of 190 circuit court judges in 1980.

Sixty more judgeships have been created since 1980 for a total of 249 circuit court judges statewide.\*

While the circuit courts are under the control of the state, a large portion of the court system is still funded by counties. State funds are used to pay the salaries of the judges, official court reporters and reserve judges. By law, counties are responsible for all other operating costs.

\*The 249th judge takes office August 1, 2010

### CIRCUIT COURT EXPENDITURES & REVENUES STATE FY 07-08 & COUNTY GY 2007



#### JUVENILE JUSTICE FUNDING

Youth Aids is the major state funding source counties utilize to help them fund their juvenile justice activities.

Under current law, counties have the primary financial responsibility for juvenile delinquents.

Youth Aids was implemented statewide in January 1981. Youth Aids was designed to assist counties in covering the costs of both in-home and out-of-home placements for juveniles found delinquent.

The Youth Aids program was created to reduce the number of individuals in the state's Juvenile Correctional Institutions (JCIs) by eliminating any fiscal incentive for counties to place juveniles in these institutions. (In other words, the state JCIs would charge the county for each juvenile sent to the JCI by a state judge.)

Generally, a circuit court judge orders either an in-home disposition or an out-of-home disposition.

In-home dispositions range from attending weekly therapy sessions to electronic monitoring devices. All juveniles with in-home dispositions remain under the direct supervision of their counties of residence, and county officials are responsible for making decisions about their treatment.

Out-of-home dispositions include foster homes, treatment foster homes, group homes, residential care centers and JCIs.

In 2009, counties received \$100,790,200 in youth aids. It is estimated that the youth aids appropriation funds approximately one-half of county juvenile justice expenditures.

#### **COUNTY TRANSPORTATION FUNDING**

Wisconsin has over 114,705 miles of roads. Local governments have jurisdiction over 103,506 miles, or 90.2%, of those road miles. Counties, cities, towns and villages work to carry out many different state and federal transportation programs.

When looking at average daily traffic, the state roads consist of approximately 60% and local governments consist of approximately 40%. Wisconsin funds its transportation system almost exclusively through user fees—mostly the gas tax and registration fees.

Counties receive funding from the state for transportation through various programs including General Transportation Aids (GTA), Local Transportation Facility Improvement Assistance, Local Bridge Assistance and Mass Transit. County funding for transportation is derived from state aid, the property tax and special assessments.

GTA is the largest funding source paid to local governments. In calendar year 2010, \$420,314,600 was appropriated to local governments, \$101,375,500 for counties, which is the equivalent of about 24% cost sharing. GTA helps offset the cost of county and municipal road construction, maintenance, traffic and other transportation-related costs. These funds are distributed based on a six-year spending average of a statutorily set rate-per-mile.

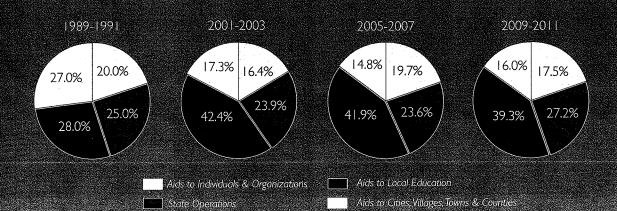
Another source of money for local governments is Local Transportation Facility Improvement Assistance. This includes the Surface Transportation Rural Program (STP-Rural), the Surface Transportation Urban Program (STP-Urban) and the Local Roads Improvement Program (LRIP). Local governments will receive annual federal funds totaling \$45,120,000 in the STP-Urban and \$20,271,300 in the STP-Rural program for 2009-2012. LRIP funding for 2007-2009 was \$48,595,900 from state segregated funds, with a minimum of \$48,595,900 in local matching dollars.

Local governments will also receive \$32,982,100 in annual funds under the Local Bridge Improvement Assistance program for the 2009-2012 program cycle, with \$24,438,300 coming from federal funds and \$8,543,800 coming from state funds. This program helps rehabilitate and replace the most seriously deficient existing local bridges on Wisconsin's local highway system.

Finally, in the area of mass transit, qualifying local governments can receive funding through the State Urban Mass Transit Operating Assistance Program. Eligible applicants for this program include municipalities and counties with populations greater than 2,500. Eligible public transportation services include buses, shared-ride taxicabs and rail. The state budgeted \$66,585,600 for this program in 2010.



#### STATE BUDGET DISTRIBUTION OF RESOURCES 1989 - 2011



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#### RECENTEDEVELOPMENTS

97/05

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counties are permitted to pass ordinances declaring themselves self-organized for the purpose of setting board. offices and compensation, establishing staggered supervisory tamps and filling vacancies in supervisory districts.

1980s

countries are granted, "administrative home-rule regiving them greater countries over organizing their administrative departments."

the Legislature granted countiles authority to address and tend local issues in metropolitan, areas without specific state enabling laws. (Wis. Stats. 59/03(2)). This home rule authority has allowed county government to expand gradually as a hegiogral government in areas such as recycling water quality management, transportation planning and county review. But only in cases where a municipality or story of municipalities have requested the county do so on her. behalf through voluntary agreements

Today

Counties do not have constitutional nome rule authority, as cities and villages do. This means that while cities and it is villages can basically undertake anything that is not expressly prohibited by state statute or the constitution, counties can conly undertake a function that is expressly allowed for or mandated by state statute or the constitution. Counties main function continues to be to act as the administrative arm of state government.

### EXECUTIVE & ADMINISTRATIVE OPTIONS

Prior to 1960. Wisconsin county boards functioned as both the legislative branch and the executive branch. However, as county, government became more complex and the population became more urbanized, the statutes were amended to permit the greation of a separate, elected position of county executive to administer and monitor county departments and exercise other specified powers. This position was first mandated for Milwaukee County in 1960 in 1969, the authority to create an executive position was extended to all counties regardless of size (Wissians 59.17) county executives are elected in the general propagation election on the first Tuesday in April and serve tour-year terms.

In the 1985-87 state Biennial Budget, language was inserted to recognize the position of appointed county administrator. The county administrator is responsible for the annual budget; oversees county department heads and reports to the county boards (Wis 15 lats, 59, 18). Wisconsin currently has III elected county executives and 24 appointed administrators.

Figures all counties that do not choose to create either an administration or an executive position to designate an administrative coordinator. The administrative coordinator is "responsible for coordinating all administrative and management functions of the county government not otherwise vested by law in boards or commissions, or in elected officers." In addition, the administrative coordinator is the contact person for official correspondence between the county and departments or agencies of the state of Misconsin.